

18, and 29-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,806,045 to Biorge et al. (hereinafter “the ‘045 patent”); and Claims 5-9, 19-23, and 33-37 were rejected under 35 U.S.C. § 102(e) as anticipated by, or in the alternative, as obvious over the ‘330 patent.

Applicants respectfully submit that the rejection of Claims 10-14, 24-28, and 38-42 under 35 U.S.C. § 101 is rendered moot by the cancellation of those claims herein.

Amended Claim 1 is directed to a method for delivering a targeted advertisement, comprising: (1) receiving from a first computer a first identifier identifying the first computer and associated with an observed offline purchase history of a consumer, the purchase history including information of an offline purchase of a consumer collected when the offline purchase transpired; and (2) electronically delivering the targeted advertisement to the consumer at the first computer in response to receiving the first identifier from the first computer. Moreover, Claim 1 has been amended to clarify that *the online purchase was not transacted with the first computer*. The addition to Claim 1 is supported by the originally filed specification and does not add new matter.

Regarding the rejection of Claim 1 as anticipated by the ‘045 patent, the ‘045 patent is directed to a method and system for allocating and redeeming incentive credits between a portable device (e.g., a smart card) and a base device. The ‘045 patent discloses that a portable smart card device stores a record of incentive credits that are applied to and earned by a given transaction involving a purchase of a particular product. However, Applicants note that *every* purchase transaction disclosed by the ‘045 patent involves the use of the portable smart card device. In particular, the ‘045 patent discloses the use of several security procedures for preventing the fraudulent use of the smart card in a purchase transaction. Thus, Applicants respectfully submit that the ‘045 patent fails to disclose a method for delivering a targeted advertisement wherein offline purchases associated with a first identifier

that identifies a first computer are not transacted with the first computer, as recited in amended Claim 1. Accordingly, Applicants respectfully traverse the rejection of Claim 1 (and dependent Claim 2) as anticipated by the ‘045 patent.

Claims 3, 15, 17, 29, and 31 recite limitations analogous to the limitations recited in amended Claim 1. Moreover, Claims 3, 15, 17, 29, and 31 have been amended in a manner analogous to the amendment to Claim 1. Accordingly, for the reasons stated above for the patentability of amended Claim 1, Applicants respectfully traverse the rejection of Claims 3, 15, 17, 29, and 31 as anticipated by the ‘045 patent.

Moreover, for the reasons stated above, Applicants respectfully traverse the rejection of dependent Claims 2, 4-9, 16, 18-23, 30, and 32-37 as anticipated by or, in the alternative, obvious over, the ‘045 patent.

The present amendment also sets forth new Claims 43 and 44 for examination on the merits. New Claim 43, which depends from Claim 1, recites the limitation that the delivering step comprises electronically delivering the targeted advertisement to the consumer at the first computer over the Internet. Claim 43 is supported by the originally filed specification and does not add new matter. Moreover, Applicants note that the ‘045 patent fails to disclose that a targeted advertisement is electronically delivered to the first computer over the Internet. Accordingly, Applicants respectfully submit that new Claim 43 patentably defines over the ‘045 patent. New Claim 44 recites the additional step of displaying the targeted advertisement on the first computer. New Claim 44 is supported by the originally filed specification and does not add new matter. Moreover, Applicants submit that the ‘045 patent fails to disclose that a targeted advertisement is displayed by the first computer. Accordingly, Applicants respectfully submit that new Claim 44 patentably defines over the ‘045 patent.

Thus, it is respectfully submitted that independent Claims 1, 3, 15, 17, 29, and 31 (and all associated dependent claims) patentably define over the ‘045 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully Submitted,

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IN THE CLAIMS

1. (Amended) A method for delivering a targeted advertisement, comprising [the steps of]:

receiving from a first computer a first identifier identifying the first computer and associated with an observed offline purchase history of a consumer, said purchase history including information of an offline purchase of a consumer collected when the offline purchase transpired; and

electronically delivering the targeted advertisement to the consumer at the first computer in response to receiving the first identifier from the first computer,
wherein said offline purchase was not transacted with the first computer.

3. (Amended) A method for delivering a targeted advertisement, comprising [the steps of]:

generating a first identifier corresponding to a first computer and associated with an observed offline purchase history of a consumer, said purchase history including information of an offline purchase of a consumer collected when the offline purchase transpired;

receiving from the first computer the first identifier; and
electronically delivering the targeted advertisement to the consumer at the first computer in response to receiving the first identifier from the first computer,
wherein said offline purchase was not transacted with the first computer.

10-14. (Cancelled)

15. (Amended) A computer readable medium containing program instructions for execution on a computer system, which when executed by a computer, cause the computer system to perform method steps for delivering a targeted advertisement, said method comprising [the steps of]:

receiving from a first computer a first identifier identifying the first computer and associated with an observed offline purchase history of a consumer, said purchase history including information of an offline purchase collected at a point of sale when the purchase transpired; and

electronically delivering the targeted advertisement to the consumer at the first computer in response to receiving the first identifier from the first computer,

wherein said offline purchase was not transacted with the first computer.

17. (Amended) A computer readable medium containing program instructions for execution on a computer system, which when executed by a computer, cause the computer system to perform method steps for delivering a targeted advertisement, said method comprising [the steps of]:

generating a first identifier corresponding to a first computer and associated with an observed offline purchase history of a consumer, said purchase history including information of an offline purchase of a consumer collected when the offline purchase transpired;

receiving from the first computer the first identifier; and

electronically delivering the targeted advertisement to the consumer at the first computer in response to receiving the first identifier from the first computer,

wherein said offline purchase was not transacted with the first computer.

24-28. (Cancelled)

29. (Amended) A system for delivering a targeted advertisement, comprising:
means for receiving from a first computer a first identifier identifying the first computer and associated with an observed offline purchase history of a consumer, said purchase history including information of an offline purchase of the consumer collected at a point of sale when the purchase transpired; and
means for electronically delivering the targeted advertisement to the consumer at the first computer in response to receiving the first identifier from the first computer,
wherein said offline purchase was not transacted with the first computer.

31. (Amended) A system for delivering a targeted advertisement, comprising:
means for generating a first identifier corresponding to a first computer and associated with an observed offline purchase history of a consumer, said purchase history including information of an offline purchase of a consumer collected when the offline purchase transpired;
means for receiving from the first computer the first identifier; and
means for electronically delivering the targeted advertisement to the consumer at the first computer in response to receiving the first identifier from the first computer,
wherein said offline purchase was not transacted with the first computer.

38-42. (Cancelled)

43. (New)

44. (New)